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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar William Todd Deputy Trial Counsel 1149 Hill Street Los Angeles, CA 90015 213-765-1491 Bar # 259194	Case Number(s): 11-O-14893-DFM	For Court use only <div style="text-align: center;"> FILED <i>JKC</i> MAY 30 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: center; margin-top: 20px;"> PUBLIC MATTER </div>
In Pro Per Respondent Louis Joseph Ferrara 3359 W Aksarben Drive Littleton, Colorado 80123 303-794-3625 Bar # 73345	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: LOUIS JOSEPH FERRARA Bar # 73345 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 30, 1976.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 15 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)



- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: The first two billing cycles following the Supreme Court Order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. Respondent's misconduct significantly harmed the administration of justice. Respondent also significantly harmed the public by embezzling \$1200 from his labor union bank account while acting as its treasurer.

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

Respondent's current misconduct, described on attachment pages 7-12, evidence 5 separate charges that include multiple acts fo wrongdoing.

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Though the present misconduct is serious, Respondent has no record of prior discipline since being admitted to the State Bar in 1976.

Respondent admits his misconduct and cooperates with the State Bar in preparing and entering into this Stipulation prior to trial.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of 3 years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of 3 years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of 2 years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

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- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 - No Ethics School recommended. Reason: Respondent lives in Colorado. Respondent shall complete the six (6) hours of continuing legal education in legal ethics within one (1) year of the effective date of this stipulation and provide proof, in writing, to the Office of Probation within thirty (30) days thereafter. This requirement is separate from any MCLE requirement, and Respondent will not receive any MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar).
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:

(Effective January 1, 2011)

Actual Suspension

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- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

PAYMENT OF STATE BAR MEMBERSHIP DUES DURING PERIOD OF UPL VIOLATION

Respondent owes \$3898.75 for State Bar membership dues, late fees for unpaid dues, reinstatement fees, CLE late fees and CLE re-entry fees for the calendar years he was practicing law while suspended for not paying these dues and fees. Respondent shall pay this sum to the State Bar in equal payments with his membership fees for the calendar years 2013 & 2014.

Respondent shall provide proof satisfactory to the Office of Probation for each payment he makes for his dues and fees with the next quarterly report due following each payment.

MCLE COMPLIANCE

Respondent shall comply with all requirements of the State Bar to come into compliance with his MCLE requirements.

Within one year of the effective date of the discipline imposed in this matter, Respondent shall provide proof satisfactory to the Office of Probation that he is in compliance with his MCLE requirements.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LOUIS JOSEPH FERRARA, SBN #73345

CASE NUMBER(S): 11-O-14893-DFM

A. WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges ("NDC") filed on January 19, 2012 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge included in this stipulation.

B. FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified sections of the *Business and Professions Code* and/or *Rules of Professional Conduct*.

FACTS:

1. Since September 14, 2004, Respondent's official membership records address with the State Bar of California ("State Bar") has been 1 Spyglass Drive, Littleton, Colorado, 80123 ("official membership address").

2. Between September 5, 2005 and August 12, 2011, Respondent was employed as a Field Attorney or Senior Field Attorney (collectively "Field Attorney") for the National Labor Relations Board ("NLRB"). As a Field Attorney, Respondent was required to perform work that constitutes the practice of law. He was also required to be both licensed and authorized to practice law pursuant to the policies of the NLRB and United States Office of Personnel Management ("OPM").

3. As a Field Attorney, Respondent investigated cases and handled trial assignments including but not limited to: trying cases pending before the NLRB, preparing and filing legal pleadings in cases pending before the NLRB and negotiating settlements of cases pending before the NLRB. By trying cases, preparing and filing legal pleadings and negotiating settlements, Respondent

repeatedly and continuously held himself out as licensed and authorized to practice law to the NLRB, opposing counsel, and the NLRB Administrative Law Judges.

4. On May 26, 2006, the Membership Billing Department ("Membership Billing") of the State Bar sent a "Final Delinquent Notice" to Respondent at his official membership address. The Notice stated, in part, that Respondent had not paid his membership fees and that the State Bar would recommend that Respondent be suspended from the practice of law effective September 16, 2006 if payment was not received within two months of the date of the notice. Respondent received the Notice, but did not pay his membership fees.

5. On August 22, 2006, the Supreme Court of California issued Order S 145875, which ordered Respondent suspended from membership in the State Bar effective September 18, 2006 and until Respondent's payment of all membership fees.

6. On August 25, 2006, Membership Billing served a "Notice of Entry of Order of Suspension for Nonpayment of Fees" on Respondent at his official membership address. The Notice stated, in part, that Respondent would be suspended from membership in the State Bar effective September 18, 2006 and until payment of his membership fees. Respondent received the Notice, but did not make payment of his membership fees on or before September 18, 2006.

7. On September 18, 2006, Respondent was suspended from membership in the State Bar.

8. On June 15, 2007, the Membership Services Department ("Membership Services") of the State Bar sent a "MCLE Non-Compliance 60-Day Notice" ("Notice of Non-Compliance") to Respondent at his official membership address. The Notice stated, in part, that as of June 8, 2007, Respondent was not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2007. To bring himself into compliance, Respondent was required to complete and return his MCLE Compliance Card, and to pay the \$75 late fee by August 15, 2007. The notice also explained that Respondent would be enrolled as an inactive member of the State Bar if he failed to comply with the requirements of the notice by August 15, 2007.

9. On June 25, 2007, the U.S. Post Office returned the Notice of Non-Compliance to the State Bar with the following notation, "Moved, Left No Address, Unable to Forward, Return to Sender."

10. On July 11, 2007, Membership Services called Respondent's official membership telephone number and received a message that the phone number was disconnected.

11. On July 25, 2007, Membership Services sent a "MCLE Non-Compliance Final Notice" ("Final Notice") to Respondent at his official membership address by certified mail. The Notice stated, in part, that as of July 18, 2007, Respondent was not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2007. To bring himself into compliance, Respondent was required to complete and return his MCLE Compliance Card and pay the \$75 late fee by August 15, 2007. If Respondent failed to comply by August 15, 2007, he would be enrolled as an inactive member.

12. On August 7, 2007, the U.S. Post Office returned the Final Notice to the State Bar with the following notation, "Moved, Left No Address, Unable to Forward, Return to Sender."

13. On August 24, 2007, Membership Services sent a "MCLE Non-Compliance -Notice of Enrollment on Not Eligible Status" ("Notice of Not Eligible Status") to Respondent at his official membership address. The Notice stated, in part, that: as of July 18, 2007, Respondent was not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2007; and Respondent had been enrolled "not eligible status effective August 16, 2007."

14. On September 4, 2007, the U.S. Post Office returned the Notice of Not Eligible Status to the State Bar with the following notation, "Moved, Left No Address, Unable to Forward, Return to Sender."

15. On August 12, 2011, Respondent was removed from his position as a Field Attorney by the NLRB for failure to maintain an active license to practice law and misrepresentation. The removal was subsequently changed to reflect retirement, rather than removal pursuant to a settlement agreement between Respondent and the NLRB.

16. Respondent knew that he had been suspended by the State Bar between September 18, 2006 and August 12, 2011. because he was aware that an attorney would suspended and ineligible to practice law if the attorney ceased paying membership fees, and Respondent was aware that he had ceased paying his membership fees.

17. On April 14, 2008, Respondent received Administrative Bulletin 08-11 ("AB 08-11") re "Certification of Active Bar Membership" from the NLRB. AB 08-11 stated in pertinent part that: (a) NLRB and OPM policy requires Field Attorneys "must be admitted to and be an active member in good standing of the bar of at least one state ..."; (b) it is the attorney's responsibility to be aware and continue to meet the requirements authorizing the attorney practice law in at least one jurisdiction; (c) it is the attorney's responsibility to advise the NLRB if he/she has been suspended or any other change in status that results in the attorney no longer maintaining a license or being authorized to practice law; and (d) attorneys must certify that they are licensed and authorized to practice law no later than July 15, 2008. AB 08-11 attached a "Certification of Active Bar Membership" (the "2008 Certification"). Respondent received AB 08-11 and the 2008 Certification.

18. On July 15, 2008, Respondent signed and delivered the Certification to the NLRB. By signing the 2008 Certification, Respondent certified that he: (a) "under[stood] that each NLRB employee occupying an attorney position must maintain an 'active license to practice law' in at least one state ..."; (b) "maintain[ed] 'an active license to practice law' in California"; and (c) "fully under[stood his] obligation to maintain an active license to practice law in a qualifying jurisdiction."

19. At the time that he signed and delivered the 2008 Certification to the NLRB certifying that he maintained an active license to practice law in California, Respondent knew or was grossly negligent in not knowing that his certification was false.

20. On October 28, 2010, Respondent received Administrative Bulletin 11-02 ("AB 11-02") on the subject of "Certification of Active Bar Membership" from the NLRB. AB 11-02 stated in pertinent part that: (a) NLRB and US Office of Personnel Management policy requires that Field Attorneys "must be admired to and be an active member in good standing of the bar of at least one state ..."; (b) it is the attorney's responsibility to be aware and continue to meet the requirements authorizing the attorney to practice law in at least one jurisdiction; (c) it is the attorney's responsibility to advise the NLRB if he/she has been suspended or any other change in status that results in the attorney no longer maintaining a license or being authorized to practice law; and (d) attorneys must certify that they are licensed and authorized to practice law no later than January 15, 2011. AB 11-02

attached a "Certification of Active Bar Membership" (the "2011 Certification"). Respondent received AB 11-02 and the 2011 Certification.

21. On February 25, 2011, Respondent signed and delivered the 2011 Certification to the NLRB. By signing the 2011 Certification, Respondent certified that he: (a) "under[stood] that each NLRB employee occupying an attorney position must maintain an 'active license to practice law' in at least one state ..."; (b) "maintain[ed] 'an active license to practice law' in California"; and (c) "fully under[stood his] obligation to maintain an active license to practice law in a qualifying jurisdiction."

22. At the time that he signed and delivered the Certification to the NLRB certifying that he maintained an active license to practice law in California, Respondent knew or was grossly negligent in not knowing that his certification was false.

23. Between 2008 and 2011 inclusive, Respondent was the Secretary-Treasurer of his office's local chapter of the National Labor Relations Board Union Local 27 ("Union"). As Secretary-Treasurer of the Union, Respondent was responsible for the Union's bank account and had authority to disburse funds as authorized by the Union.

24. Between October 2010 and April 2011, Respondent made cash withdrawals totaling approximately \$1,200.00 from funds belonging to the Union that were held in the Union's bank account. Respondent withdrew the funds to pay personal expenses without authorization or permission from the Union.

25. On July 2011, the Union became aware of the withdrawals. Respondent admitted to the Union that he had misappropriated the funds, apologized for the misappropriation, and repaid the misappropriated funds.

26. In 2007, Respondent moved from the dwelling used for his official membership address.

27. Between June 25, 2007 and the date the NDC was filed, Respondent did not provide the State Bar with a current office address and telephone number or an address to be used for State Bar purposes if no office is maintained.

CONCLUSIONS OF LAW:

28. By performing work that constituted the practice of law as a Field Attorney for the NLRB while suspended from the practice of law between on or about September 18, 2006 and on or about August 12, 2011, Respondent practiced law in a jurisdiction where his practice was in violation of the regulations of the profession in that jurisdiction in willful violation of *Rules of Professional Conduct* rule 1-300 (B).

29. By knowingly, repeatedly and continuously holding himself as both licensed and authorized to practice law to the NLRB, opposing counsel, and NLRB Administrative Law Judges while suspended from the practice of law between on or about September 18, 2006 and on or about August 12, 2011, Respondent committed acts involving moral turpitude, dishonesty or corruption in willful violation of *Business and Professions Code* section 6106.

30. By twice certifying to the NLRB that he maintained an active license to practice law in California when he knew or was grossly negligent in not knowing that the certifications were false, Respondent committed acts involving moral turpitude, dishonesty or corruption in willful violation of *Business and Professions Code* section 6106.

31. By withdrawing approximately \$1,200.00 of funds belonging to the Union for his own use, an action not authorized by the Union, Respondent committed acts involving moral turpitude, dishonesty or corruption in willful violation of *Business and Professions Code* section 6106.

32. By failing to maintain a current membership address with the State Bar, Respondent failed to maintain on the official membership records of the State Bar a current office address and telephone number or, if no office is maintained, the address to be used for State Bar purposes in willful violation of *Business and Professions Code* section 6068 (j).

C. PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph A(7), was May 2, 2012.

D. AUTHORITIES SUPPORTING DISCIPLINE.

Standards for Attorney Sanctions for Professional Misconduct

The analysis of what is the appropriate level of discipline begins with the Standards for Attorney Sanctions as reaffirmed by *In Re Silvertan* (2005) 36 Cal. 4th 81. Though they are not binding on the Supreme Court and are not a “fixed formula,” the standards do promote consistent and uniform application of discipline as well as the purpose of discipline, enunciated in standard 1.3: the protection of the public, the courts and the legal profession as well as the maintenance of high professional standards.

Several standards apply in this instance. Standard 1.6(b)(i) provides for a greater degree of sanction set forth in the standards where aggravating circumstances, as defined by standard 1.2 (b), exist. In this matter there are two (2) aggravating circumstances: Respondent’s misconduct includes multiple acts of wrongdoing and resulted in significant harm to the administration of justice and the public.

Standard 1.6 (b) (ii) provides for a lesser degree of sanction than that set forth in the standards where mitigating circumstances, as defined by standard 1.2 (e), exist. In this matter there are two (2) mitigating circumstances. First, Respondent practiced law for nearly 30 years without a record of discipline prior to his misconduct in this matter. Second, Respondent demonstrated candor and cooperation, both with the victims of his misconduct and with the State Bar by cooperating in the investigations of both his former employer and the State Bar.

Standard 2.2 (a) provides that culpability of a member of willful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.

Standard 2.3 provides that culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree of harm to the client.

Standard 2.6 provides that culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3:...(a) Sections 6067 and 6068....

Decisional Law

Judicial precedent confirms that willful misappropriation, as described in *Business and Professions Code* section 6106, often warrants a minimum one (1) year suspension from the practice of law, even where the attorney engages in no acts of deceit, makes full repayment soon after the misappropriation and before awareness of any complaint, is candid and cooperative throughout any proceedings and voluntarily takes steps to improve management of entrusted funds. *Edwards v. State Bar* (1990) 276 Cal.Rptr. 153, 52 Cal.3d 28. Similarly, a one-year period of actual suspension from the practice of law is justified for knowingly and intentionally misappropriating client funds. *Edmondson v. State Bar of California* (1981) 172 Cal.Rptr. 899, 29 Cal.3d 339.

The court also treats intentional misrepresentation, also described in *Business and Professions Code* section 6106, seriously. In *Olguin v. The State Bar* (1980) 28 Cal. 3d 195, the attorney was found to have deceived the State Bar on two occasions in response to inquiries regarding the attorney's duties to clients. In determining the appropriate level of discipline for the two established incidents of deception, both of which occurred over a relatively brief period of time, the court determined the proper period of actual suspension to be six months. *Id* at 201.

The stipulated discipline herein falls within the range of discipline suggested by the standards, and is consistent with judicial precedent. In addition, the parties believe that the stipulated discipline herein is adequate to protect the public, courts and the legal profession.

E. COSTS

Respondent acknowledges that the Office of Chief Trial Counsel has informed him that as of May 2, 2012, the estimated prosecution costs in this matter are approximately \$5,182.00. Respondent acknowledges that this figure is an estimate only. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: LOUIS JOSEPH FERRARA, SBN #73345	Case number(s): 11-O-14893-DFM
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>05-02-12</u>	<u>L. Joseph Ferrara</u>	Louis Joseph Ferrara
Date	Respondent's Signature	Print Name
<u>N/A</u>	<u>N/A</u>	
Date	Respondent's Counsel Signature	Print Name
<u>May 15, 2012</u>	<u>[Signature]</u>	William Todd
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: LOUIS JOSEPH FERRARA, SBN #73345	Case Number(s): 11-O-14893-DFM
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

May 25, 2012
Date



RICHARD A. PLATEL
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 30, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ACTUAL SUSPENSION

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**LOUIS JOSEPH FERRARA
3359 W AKSARBEN AVE
LITTLETON, CO 80123**

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

WILLIAM TODD, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 30, 2012.



Tammy Cleaver
Case Administrator
State Bar Court